

Chapter 10.14

RULES OF THE ROAD

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10.14.010 Vehicle Entering Stop Intersection.

(a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street before entering the intersection.

(b) Such driver, after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on said street as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding. (Ord. 15634 §1; July 9, 1990: P.C. §10.24.100: Ord. 7900 §4; October 15, 1962).

10.14.020 Vehicle Entering Yield Right-of-Way Street.

(a) The driver of a vehicle approaching a yield right-of-way sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the street on which such person is driving, and to any vehicle in the intersection or approaching on another street so closely as to constitute an immediate hazard. Said driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that a driver who enters any arterial street without stopping and has or causes a collision with a pedestrian in a crosswalk or a vehicle in the intersection shall prima facie be considered not having yielded as required herein. The foregoing shall not relieve the drivers of other vehicles approaching the intersection at such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.

(b) The driver of a vehicle approaching a yield right-of-way sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street. (Ord. 15634 §2; July 9, 1990: P.C. §10.24.110: Ord. 7900 §4; October 15, 1962).

10.14.030 Stop When Traffic Obstructed.

No operator of any vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle such driver is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. 18776 §2; July 31, 2006: prior Ord. 15634 §3; July 9, 1990: P.C. §10.24.120: Ord. 7900 §6; October 15, 1962).

10.14.040 Right-of-way.

(a) APPROACHING or ENTERING INTERSECTION.

(1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(2) When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(3) The right-of-way rule declared in paragraph (a)(1) and (2) shown above shall apply, except as otherwise provided in this title.

(b) **TURNING LEFT.** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(c) **U-TURNS.** The driver of a vehicle intending to turn such vehicle so as to proceed in the opposite direction shall yield the right-of-way to any vehicle approaching from the opposite direction, to any vehicle not required to stop at the intersection by a traffic control device, or to any vehicle which has entered the intersection from a different highway.

(d) PEDESTRIANS.

(1) When automatic traffic signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a crosswalk who is in the lane in which the driver is proceeding or is in the lane immediately adjacent thereto, by bringing his vehicle to a complete stop.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(4) No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

(5) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(6) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(7) Between adjacent intersections at which automatic traffic signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(8) Notwithstanding the foregoing provisions of this section, there shall not be a crosswalk where the Director of Public Works and Utilities has placed appropriate signs indicating no crossing.

(e) **CROSSING SIDEWALK.** The driver of a vehicle, before crossing any sidewalk when emerging from an alley or from private property shall bring such vehicle to a complete stop. After stopping as aforesaid and before proceeding across such sidewalk, the driver of such vehicle shall give a sufficient warning signal and shall then proceed across such sidewalk and shall yield the right-of-way to all pedestrians traveling in such sidewalk space and vehicles on such street.

(f) **PARKED VEHICLES STARTING FROM CURB.** The driver of any vehicle parked or stopped at or near the curb shall, when leaving such position, yield the right-of-way to all vehicles in motion upon the street.

(g) **EMERGENCY VEHICLES.** The driver of a vehicle upon a street shall yield the right-of-way to any emergency vehicle displaying a flashing or rotating red or blue light and giving an audible signal by bell, siren, or exhaust whistle.

(h) **STOP STREETS.** Any vehicle entering or crossing any street at which a stop sign has been erected shall come to a complete stop at such sign and outside such street and before entering such street, and regardless of direction shall yield the right-of-way to vehicles and pedestrians upon said street to be entered or crossed. (Ord. 18659 §1; December 19, 2005: prior Ord. 17004 §2; June 17, 1996: Ord. 15634 §4; July 9, 1990: P.C. §10.32.010: Ord. 12684 §1; September 4, 1979: Ord. 10946 §1; November 13, 1973: Ord. 9829 §1; August 11, 1969: Ord. 8282 §33; December 16, 1963: Ord. 5699 §701; April 12, 1954).

10.14.045 Evasion of Traffic Control Devices; Prohibited.

(a) It shall be unlawful for the operator of a vehicle approaching an intersection controlled by a traffic control device, sign, or signal to fail to enter the intersection by using any curb cut, driveway, parking lot, or private property to directly enter any intersecting street. (Ord. 18655 §1; December 12, 2005).

10.14.050 Use of Restricted Areas Adjacent to Curb and Changing Course.

(a) It shall be unlawful to operate a vehicle upon any portion of the street where motor vehicle parking is permitted or restricted or which is set aside for loading zones or bus stops, or any other part of the street not designated for vehicular travel, as a traffic lane for any vehicular traffic, except on such streets and during such periods of time when such use is authorized.

(b) It shall be unlawful for any person to operate any motor vehicle within any portion of a bicycle lane for a distance greater than is necessary to lawfully enter the closest lane or area designated for motor vehicle traffic or parking.

(c) It shall be unlawful for any person operating a motor vehicle to park, stop, stand, or interfere with the use of a bicycle lane. It shall not be a defense to this section that the operator of a motor vehicle was attempting to change the course of his or her vehicle. (Ord. 18776 §3; July 31, 2006: prior Ord. 15634 §5; July 9, 1990: P.C. §10.32.020: Ord. 8282 §34; December 16, 1963: Ord. 5699 §702; April 12, 1954).

10.14.055 Enter Traffic Lanes or Change Course Without Safety.

It shall be unlawful for the operator of any vehicle to leave any portion of the roadway and enter an adjacent traffic lane or bicycle lane, or to enter or to cross or to turn in the adjacent street intersection, or to execute any turning movement until said movement can be made safely after

yielding the right-of-way to all vehicles entitled thereto. This section shall not authorize the operation or movement of a vehicle prohibited by the laws of the State of Nebraska or the ordinances of the City of Lincoln, in their present form or as they may be from time to time amended. (Ord. 18776 §4; July 31, 2006).

10.14.060 Operation of Vehicles Upon the Approach of Emergency Vehicles.

(a) Upon the immediate approach of an emergency vehicle which makes use of proper audible or visual signals:

(1) The driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway, or to either edge or curb of a one-way road, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes, unless otherwise directed by any police officer; and

(2) Any pedestrian using such roadway shall yield the right-of-way until such emergency vehicle passes, unless otherwise directed by any police officer.

(b) This section shall not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Ord. 15634 §6; July 9, 1990: P.C. §10.32.030: Ord. 12173 §2; January 3, 1978: Ord. 10946 §2; November 13, 1973: Ord. 5699 §703, as amended by Ord. 7312; October 10, 1960).

10.14.070 Emergency Vehicles; Privileges; Conditions.

(a) The driver of an emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section but subject to the conditions stated in this title.

(b) The driver of such emergency vehicle may stop, park, or stand irrespective of the other provisions of this title and may disregard regulations governing direction of movement or turning in specified directions.

(c) The driver of such emergency vehicle, except wreckers towing disabled vehicles, may also:

(1) Proceed past a steady red signal, a flashing red signal, or a stop sign but only after slowing down as may be necessary for safe operation; and

(2) Exceed the maximum speed limits so long as he does not endanger life, limb, or property.

(d) Except for such emergency vehicle operated as a police vehicle, the exemptions granted in this section to such emergency vehicle shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren, air horn, or exhaust whistle as may be reasonably necessary, and when such vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(e) The provisions of this section shall not relieve the driver of such emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his reckless disregard for the safety of others. (Ord. 15634 §7; July 9, 1990: P.C. §10.32.031: Ord. 13752 §1; January 30, 1984: Ord. 12173 §3; January 3, 1978).

10.14.080 Slowly Moving Vehicles Near Curb.

It shall be unlawful for the driver of any slowly moving and large or heavily loaded vehicle to fail to keep such vehicles in the line of traffic nearest the right hand curb. (Ord. 15634 §8; July 9, 1990: P.C. §10.32.050: Ord. 5699 §705; April 12, 1954).

10.14.090 Overtaking Vehicles.

It shall be unlawful for the driver of any vehicle overtaking another vehicle proceeding in the same direction to fail to first give a visible signal of such intention or fail to pass at a safe distance to the left thereof or fail to keep to the left of said street until safely clear of such overtaken vehicle, except that where there are two or more marked lanes for traffic moving in the same direction, the driver of a vehicle may overtake and pass another vehicle on the right. Nothing in this section shall be construed to prohibit a driver overtaking and passing upon the right of another vehicle which is making or about to make a left-hand turn. This section shall not apply to persons operating bicycles. (Ord. 15634 §9; July 9, 1990: P.C. §10.32.060: Ord. 10246 §3; September 7, 1971: Ord. 5699 §706; April 12, 1954).

10.14.100 Traffic Lanes; Driving to Right of Centerline of Street.

Upon all streets in the city available for vehicular traffic and with a traveled portion thereof suitable for vehicular traffic of sufficient width to accommodate two lanes for traffic, there shall be two lanes for vehicular traffic, and vehicular traffic shall move within the lane for traffic immediately to the right of the center of the street or to the right of the centerline of such traveled portion if the centerline of the traveled portion does not coincide with the centerline of the street, except where otherwise provided by rules and regulations of the Director of Public Works and Utilities. In overtaking and passing another vehicle proceeding in the same direction or a vehicle parked at the curb, it shall be unlawful for the driver of a vehicle to drive to the left of the centerline of a street or to the left of the centerline of such traveled portion if the centerline of the traveled portion does not coincide with the centerline of the street, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety, except upon a one-way street or a street upon which traffic moves in different directions during different periods of time. Upon all streets having two lanes for vehicular traffic in each direction, it shall be unlawful for any motor vehicle in overtaking and passing another vehicle proceeding in the same direction to travel to the left of the centerline of the street. (Ord. 17004 §3; June 17, 1996: prior Ord. 15634 §10; July 9, 1990: P.C. §10.32.070: Ord. 8282 §35; December 16, 1963: Ord. 5699 §707, as amended by Ord. 7312; October 10, 1960).

10.14.110 Straddling Lane Lines.

When lanes for traffic are marked on the street surface by lines which are plainly visible, it shall be unlawful for the driver of any vehicle to drive said vehicle so that one front and rear wheel is on one side of said line and the other front and rear wheel is on the opposite side of said line for a distance more than is necessary to change from one traffic lane to the other with safety. (Ord. 15634 §11; July 9, 1990: P.C. §10.32.080: Ord. 5699 §708; April 12, 1954).

10.14.120 Hindering Vehicles From Passing.

It shall be unlawful for the driver of a vehicle about to be overtaken and passed by another vehicle to increase the speed of his vehicle until completely passed by the overtaking vehicle. (Ord. 15634 §12; July 9, 1990: P.C. §10.32.090: Ord. 5699 §709; April 12, 1954).

10.14.130 Overtaken Vehicle to Yield Right-of-Way.

It shall be unlawful, on streets where traffic lanes are not marked, for the driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear, to fail to give the right-of-way to the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle. (Ord. 15634 §13; July 9, 1990: P.C. §10.32.100: Ord. 5699 §710; April 12, 1954).

10.14.140 Overtaking Vehicles Within Street Intersections.

It shall be unlawful for the driver of any vehicle to overtake or pass another vehicle while proceeding in the same direction while traversing a street intersection, except where there are two or more traffic lanes provided and plainly marked in each direction, and in no case, while within the intersection shall the overtaking vehicle drive to the left of the center of the street. (Ord. 15634 §14; July 9, 1990: P.C. §10.32.110: Ord. 5699 §711; April 12, 1954).

10.14.150 Overtaking, Passing, or Driving to Left of Center of Street or Alley; Limitations; When Prohibited.

(a) No driver shall overtake and pass another vehicle or drive to the left of the center of a street or alley whenever such driver:

(1) Approaches the crest of a grade or curve in the street or alley where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) Approaches within 100 feet of or traverses any intersection or railroad grade crossing;

(3) Approaches within 100 feet of or traverses any bridge, viaduct, or tunnel; or

(4) Is driving upon a section of a street or alley designated as a no-passing zone by the state or city.

(b) The limitations imposed by subsection (a) of this section shall not apply upon a one-way street or alley, nor when an obstruction exists which requires a driver to drive to the left of the center of the street or alley nor to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by authorized traffic control devices. (Ord. 15634 §15; July 9, 1990).

10.14.160 Vehicle Following Another at Safe Distance.

It shall be unlawful for the operator of a vehicle to follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicle and the traffic upon and the condition of the street. (Ord. 15634 §16; July 9, 1990: P.C. §10.32.130: Ord. 5699 §713; April 12, 1954).

10.14.170 Turning Movements and Required Signals.

(a) It shall be unlawful for the driver of any vehicle to turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 10.14.190, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety, and then only after giving an appropriate signal in the manner provided in Section 10.14.180.

(b) A signal of intention to turn right or left or to make a U-turn when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. (Ord. 18659 §2; December 19, 2005; prior Ord. 15634 §17; July 9, 1990: P.C. §10.32.139; Ord. 8282 §36; December 16, 1963).

10.14.180 Signals by Hand and Arm or Signal Lamps.

All signals herein required given by hand and arm shall be given in the following manner and such signals shall indicate as follows:

TURN RIGHT. By extending the left hand and arm upward from the left side of the vehicle.

TURN LEFT. By extending the left hand and arm horizontally from the left side of the vehicle.

U-TURN. By extending the left hand and arm horizontally from the left side of the vehicle until completion of the turning movement.

STOP OR DECREASE SPEED. By extending the left hand and arm downward from the left side of the vehicle.

LEAVING PARALLEL PARKING PLACE. By extending the left hand and arm horizontally from the left side of the vehicle.

The foregoing signals shall be used by the driver of any vehicle when turning from one lane of traffic into another lane. The signals herein required to be given shall be given either by means of the hand and arm as herein prescribed or by a signal device or signal lamp of a type approved by the Department of Motor Vehicles of the State of Nebraska, but when a vehicle is so constructed or loaded that such hand and arm signal would not be visible both to the front and rear of such vehicle, said signals must be given by such lamp or device. (Ord. 18659 §3; December 19, 2005; prior Ord. 15634 §18; July 9, 1990: P.C. §10.32.140; Ord. 8282 §37; December 16, 1963; Ord. 5699 §714; April 12, 1954).

10.14.190 Required Position and Method of Turning at Intersections.

Except as otherwise directed by a police officer or any official traffic-control device, the driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) RIGHT TURNS - Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) LEFT TURNS - The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) U-TURNS - The driver of a vehicle intending to make a U-turn at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the same direction of travel of such vehicle and, after entering the intersection, the U-turn shall be made in one continuous movement directly into a lane available for traffic moving in the direction opposite from the direction of such vehicle before beginning said turn. (Ord. 18659 §4; December 19, 2005; prior Ord. 15634 §19; July 9, 1990: P.C. §10.32.150; Ord. 9828 §1; August 11, 1969; Ord. 8364 §5; April 13, 1964; Ord. 5699 §715; April 12, 1954).

10.14.200 U-Turn Only at Street Intersections.

(a) It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction, except at a street intersection or median crossover.

(b) It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction where prohibited by a traffic control device.

(c) It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction when such turning movement cannot be made in one continuous movement.

(d) It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed from one side of the street to the other in order to enter a parking space.

(e) It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction at any intersection within a congested district as defined by Lincoln Municipal Code Section 10.02.070.

(f) No prohibitions in this section shall apply to a person operating a bicycle who first yields the right-of-way to any motor vehicle approaching upon said street. (Ord. 18659 §5; December 19, 2005; prior Ord. 17666 §1; May 1, 2000: Ord. 15634 §20; July 9, 1990: P.C. §10.32.160; Ord. 10246 §4; September 7, 1971: Ord. 5699 §716; April 12, 1954).

10.14.210 Turns on Arterial Streets and in Congested District.

(Repealed by Ord. 18659 §6; December 19, 2005; prior Ord. 17666 §2; May 1, 2000: Ord. 15634 §21; July 9, 1990: P.C. §10.32.170; Ord. 8941 §1; February 28, 1966: Ord. 5699 §717; April 12, 1954).

10.14.220 Turns Restricted at Intersections With Automatic Signals.

Except as otherwise provided in this section, it shall be unlawful for the driver of any vehicle to turn such vehicle at any intersection where an automatic traffic signal is installed and actually functioning, except when such signal is displaying a green light.

Except where a traffic control device is in place prohibiting a turn, the operator of a vehicle facing a steady red signal may cautiously drive his vehicle into the intersection to make a right turn after stopping. Such operator shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

Except where a traffic control device is in place prohibiting a turn, the operator of a vehicle traveling on a one-way street facing a steady red signal may, after stopping, cautiously drive such vehicle into the intersection to make a left turn onto another one-way street on which all traffic is moving to said vehicle's left. Such operator shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection. (Ord. 18659 §7; December 19, 2005; prior Ord. 17666 §3; May 1, 2000: Ord. 15634 §22; July 9, 1990: P.C. §10.32.190; Ord. 12552 §1; April 9, 1979: Ord. 5699 §719; July 12, 1954).

10.14.230 Right- or Left-hand Turns; Intersection Where Restricted, Prohibited or Required.

The Director of Public Works and Utilities may, by rules and regulations, prohibit or limit, or require the making of right- or left-hand turns at designated street intersections. The Director of Public Works and Utilities shall place official traffic-control devices within or adjacent to intersections indicating the course to be traveled within intersections. It shall be unlawful for the driver of any vehicle to make a right- or left-hand turn prohibited by such traffic control devices or to fail to make a right- or left-hand turn as required by such devices. (Ord. 17004 §4; June 17,

1996: prior Ord. 15634 §23; July 9, 1990: P.C. §10.32.180: Ord. 8282 §39; December 16, 1963: Ord. 7794 §13; July 16, 1962: Ord. 5699 §718; April 12, 1954).

10.14.240 Controlled Access.

It shall be unlawful for the driver of any vehicle to drive such vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority. (Ord. 15634 §24; July 9, 1990: P.C. §10.32.161: Ord. 8282 §38; December 16, 1963).

10.14.250 Speed Regulated.

(a) The maximum or minimum speed on any divided arterial highway which is a part of the state highway system, designed primarily for through traffic, with control of access and with grade separations at all intersecting road crossings, including all interchanges and approaches and exit roads thereto, and including any portion of the national system of interstate and defense highways meeting the requirements hereinbefore stated, shall be governed by state law, or as determined and declared by the Department of Roads of the State of Nebraska.

(b) Except as provided in paragraph (a) of this section, it shall be unlawful for the driver of any vehicle on any street within the city to drive such vehicle at a rate of speed greater than is reasonable and prudent under the conditions then existing and except when a special hazard exists that requires lower speed, the limits specified in this paragraph or established as hereinafter authorized in paragraph (c) of this section shall be maximum lawful speeds, and it shall be unlawful for the driver of any vehicle on any street within the city to drive such vehicle at a speed in excess of such maximum limits:

- (1) Twenty-five miles per hour in the congested district;
- (2) Thirty-five miles per hour on arterial streets outside of the congested district;
- (3) Twenty-five miles per hour on all other streets.

(c) Whenever the Director of Public Works and Utilities shall determine on the basis of an engineering and traffic investigation that the maximum speed permitted in paragraph (b) of this section is greater or less than is reasonable and safe under the conditions found to exist upon a street or part of a street, the Director of Public Works and Utilities shall determine and declare a maximum speed limit which shall be effective when appropriate signs giving notice thereof are erected upon such street or part of a street.

(d) Any person who violates any maximum speed limit established pursuant to this section for any street within the City shall be deemed guilty of a traffic infraction and upon conviction shall be punished by a fine as follows, recoverable with costs:

- (1) Ten dollars for traveling one to five miles per hour over the authorized speed limit;
- (2) Twenty-five dollars for traveling six to ten miles per hour over the authorized speed limit;
- (3) Seventy-five dollars for traveling eleven to fifteen miles per hour over the authorized speed limit;
- (4) One hundred twenty-five dollars for traveling sixteen to twenty miles per hour over the authorized speed limit; and
- (5) Two hundred dollars for traveling twenty-one miles per hour or more over the authorized speed limit.

(e) The fines prescribed in subsection (d) of this section shall be doubled if the violation occurs within a maintenance, repair, or construction zone. Signs shall be placed within or in advance

of maintenance, repair, or construction zones which provide information that the fines for exceeding the speed limit in such zones are doubled.

(f) The fines prescribed in subsection (d) of this section shall be doubled if the violation occurs within a school crossing zone.

(g) The provisions of this section shall not apply to racing permitted by the city or sponsored by the City. (Ord. 17227 §3; August 4, 1997; prior Ord. 17004 §5; June 17, 1996: Ord. 15634 §25; July 9, 1990: P.C. §10.32.200: Ord. 12519 §2; March 12, 1979: Ord. 8983 §3; April 11, 1966: Ord. 8926 §4; February 14, 1966: Ord. 8282 §40; December 16, 1963: Ord. 7794 §14; July 16, 1962: Ord. 7688 §1; April 9, 1962: Ord. 5699 §702, as amended by Ord. 6516; December 17, 1956).

10.14.260 Arterials Adjacent to Schools; Reduced Speed.

The Director of Public Works and Utilities shall designate, by flashing yellow lights, reduced speed zones for such distances as deemed proper by the Director of Public Works and Utilities on arterial streets adjacent to public or private elementary school or school crossings, provided, that the Director of Public Works and Utilities may exempt from the requirements of this section those potential reduced speed zones which (a) have fewer than four lanes to cross and are not adjacent to a school building, or (b) are crossed by less than fifty students per day.

Notwithstanding the provisions of subparagraph (b)(2) of Section 10.14.250, it shall be unlawful for any person to drive a vehicle in a reduced speed zone as herein designated at a speed in excess of twenty-five miles per hour at such time as the flashing yellow lights are in operation. Daily operating time of said flashing yellow lights shall be determined by the Director of Public Works and Utilities. (Ord. 17004 §6; June 17, 1996: prior Ord. 15634 §26; July 9, 1990: P.C. §10.32.205: Ord. 13070 §1; January 5, 1981: Ord. 12536 §1; March 26, 1969).

10.14.265 Passing in School Crossing Zone; Penalties.

It shall be unlawful for any person operating a motor vehicle to overtake and pass another vehicle in a school crossing zone in which the street or roadway has only one lane of traffic in each direction.

Any person who shall violate the provisions of this section shall be punished by a fine not to exceed \$200.00 for the first offense, and at least \$200.00 but not more than \$400.00 for a second or subsequent offense, recoverable with costs. (Ord. 17227 §4; August 4, 1997).

10.14.270 Speed Contests.

(a) It shall be unlawful for any person to engage in or participate in any motor vehicle speed contest or exhibition of speed upon the streets of the city, including, but not limited to, participation as a starter, timer, lookout, or operator of a motor vehicle.

(b) It shall be unlawful for any person for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon a street in any manner to obstruct or place a barricade or obstruction upon any street.

(c) The provisions of this section shall not apply to racing or other motor vehicle exhibitions permitted by the city or sponsored by the city. (Ord. 16486 §1; September 27, 1993: Ord. 15634 §27; July 9, 1990: P.C. §10.32.211: Ord. 8282 §42; December 16, 1963).

10.14.280 Fleeing in Vehicle to Avoid Arrest.

It shall be unlawful for any person operating any motor vehicle to flee in such vehicle in an effort to avoid arrest. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine not to exceed \$500.00, or both, recoverable with costs. (Ord. 15634 §28; July 9, 1990: P.C. §10.32.215; Ord. 12519 §3; March 12, 1979: Ord. 8558 §1; September 21, 1964).

10.14.290 Operation of Vehicle in Careless, Reckless, or Negligent Manner.

It shall be unlawful for any person to drive, use, operate, park, cause to be parked, or stop any vehicle (a) in a careless manner, or (b) in a reckless manner, or (c) in a negligent manner, or (d) in such manner as to endanger life, limb, person, or property, or (e) in such a manner as to endanger or interfere with the lawful traffic or use of the streets, or (f) in such a condition as to endanger or interfere with the lawful traffic or use of the streets. (Ord. 15634 §29; July 9, 1990: P.C. §10.32.220; Ord. 5699 §722; April 12, 1954).

10.14.300 Careless, Reckless, Negligent Driving.

It shall be unlawful for any person to drive, use, or operate any vehicle carelessly, negligently, or recklessly in such a manner as to endanger life, limb, person, or property. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100.00 or by imprisonment in the county jail for a period not to exceed six months, or both. The penalty herein provided shall be cumulative with and in addition to the revocation, cancellation, or forfeiture of any license, permit, or right elsewhere in this title provided for violation thereof or as provided by law. (Ord. 15634 §39; July 9, 1990: P.C. §10.32.230; Ord. 5699 §722.1, as amended by Ord. 5855; September 25, 1954).

10.14.310 Minibikes Prohibited From Use on Public Streets and Property; Exceptions.

(a) Except as provided in subsection (b) of this section, it shall be unlawful for any person to operate a minibike on the public streets and alleys, or on any property owned, operated, or controlled by the city whether within or without the corporate limits thereof.

(b) (1) Minibikes shall be exempt from the provisions of subsection (a) of this section while being used in parades by organized units of any charitable, social, educational or community service organizations.

(2) Nothing contained in subsection (a) of this section shall prohibit the occasional necessary movement of minibikes on a street for purposes of moving the minibike across the street or a turn around on the street.

(3) The Mayor may, by executive order, designate specific areas within any real property owned, operated, or controlled by the city where minibikes may be lawfully operated for recreational purposes. All such areas designated by the Mayor shall be provided with adequate equipment and supervision, both for the protection of those persons using the same for the recreational use of minibikes and for the protection of nonminibike riders in the vicinity of such minibike recreational areas. The Mayor may further, by executive order, promulgate rules and regulations for the recreational use of minibikes in such areas, which rules and regulations shall be approved by resolution of the City Council before they shall take effect. Any person violating any rule or regulation so promulgated by the Mayor and approved by the City Council shall be subject to the

penalties provided in Section 10.06.180 of the Lincoln Municipal Code. (Ord. 15634 §31; July 9, 1990: P.C. §10.32.231: Ord. 10487 §1; June 26, 1972).

10.14.320 Backing Against Traffic.

It shall be unlawful for any person to operate a motor vehicle other than in the same general direction as other vehicular traffic on the same side of the street or to back a motor vehicle, except a motor vehicle may be backed in moving it from an angle parking position, in moving it into a parallel parking position, in moving it from a driveway or in moving it as permitted in Section 10.32.140. In backing a vehicle as permitted in this section, such vehicle shall be backed only when such movement can be made in safety; and in backing into a parallel parking position, such vehicle shall not be backed more than one and one-half lengths of such vehicle, including its parked position at the curb. (Ord. 15634 §32; July 9, 1990: P.C. §10.32.240: Ord. 5699 §723; April 12, 1954).

10.14.330 Direction of Traffic in Alleys.

In all alleys within the congested district, vehicles will travel in one direction only, and all vehicles shall enter such alley from the west and travel to the east and from the north and travel to the south; provided, however, (a) in blocks where alley's ingress and egress is from the north and west only, vehicles shall enter such alley from the west and leave said alley by traveling to the north; (b) in blocks where alley's ingress and egress is from the south and east only, vehicles shall enter such alley from the south and leave said alley by traveling to the east; (c) in blocks where there is ingress and egress from one street only, the directional controls set forth in this section shall not apply; and (d) the Director of Public Works and Utilities is hereby authorized to change the direction of traffic in alleys or portions thereof as stated in this section and shall place appropriate signs, marks, lines, signals, or other traffic control devices indicating the existence of a changed direction of traffic in alleys or portions thereof that deviate from the authorized direction of vehicular traffic in alleys as established in this section as deemed necessary; provided, however, that such direction changes shall not be effective until approved by resolution by the City Council. It shall be unlawful for the driver of any vehicle to operate such vehicle in any alley at a rate of speed greater than ten miles per hour. (Ord. 17004 §7; June 17, 1996: prior Ord. 15634 §33; July 9, 1990: P.C. §10.32.250: Ord. 12479 §3; January 15, 1979: Ord. 5699 §724, as amended by Ord. 6435; August 13, 1956).

10.14.340 Permitting Clinging to Moving Vehicle.

It shall be unlawful for the driver of any vehicle to suffer or permit any pedestrian or any person traveling upon a bicycle, coaster, sled, roller skates, or any toy vehicle to cling to or attach such bicycle, coaster, sled, roller skates, or toy vehicle to such vehicle. (Ord. 15634 §34; July 9, 1990: P.C. §10.32.260: Ord. 5699 §725; April 12, 1954).

10.14.350 Carrying Passengers.

It shall be unlawful for the driver of any vehicle to operate such vehicle upon streets or public ways of the city when such person has another person in front of such person or while embracing or holding another person, package, or other incumbrance which prevents the free and unhampered operation of such vehicle, and it shall be unlawful for the driver of any vehicle of three wheels or less to carry any passenger upon such vehicle, unless such vehicle is, by the manufacturer, constructed to carry the number of persons being conveyed, and then only in conformity with the

provisions of this title. (Ord. 15634 §35; July 9, 1990: P.C. §10.32.270: Ord. 5699 §726; April 12, 1954).

10.14.360 Motor Vehicle Restraint; Children.

(a) Any person who resides in Nebraska and drives any motor vehicle which has or is required to have an occupant protection system, shall ensure that (1) all children under the age of four or weighing less than forty pounds being transported in such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration as of July 10, 1990 and which is correctly installed in such vehicle, and (2) all children weighing forty or more pounds or at least four years of age and younger than five years of age being transported in such vehicle use an occupant protection system. This section shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208 except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(b) Whenever any physician licensed to practice medicine in Nebraska determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(c) Any person violating any provision of subsection (a) of this section shall be fined twenty-five dollars for each violation, recoverable with costs.

(d) Any person who is charged with a violation of subsection (a) of this section who does not have in his or her possession a child restraint system meeting the requirements of Federal Motor Vehicle Safety Standard 213 as of the effective date of this act, and who subsequently purchases or rents for a one-year period such a system prior to his or her court appearance, shall, upon presentation of proof of purchase or proof of rental for a one-year period of such a system, be able to utilize such presentation as an absolute defense and cause for dismissal of such charge.

(e) A person who has acquired the statement authorized by subsection (b) of this section but fails to show a police officer such statement when requested to do so shall be fined \$10.00 for each offense, recoverable with costs.

(f) The drivers of authorized emergency vehicles as defined in Section 10.02.130 shall be exempt from the provisions of this section when operating such emergency vehicles pursuant to the duties of their employment. (Ord. 16293 §2; January 25, 1993: Ord. 15634 §36; July 9, 1990: P.C. §10.32.275: Ord. 13709 §1; October 17, 1983).

10.14.365 Occupant Protection System; Use Required.

(a) Except as provided in subsection (b) of this section, no driver shall operate a motor vehicle upon a public street unless:

(1) The driver and each front-seat occupant in the vehicle are wearing occupant protection systems;

(2) Any child passenger required by law to be transported in a child passenger restraint system is using such restraint system; and

(3) All occupant protection systems and child passenger restraint systems worn or used are properly adjusted and fastened.

(b) The following persons shall not be required to wear an occupant protection system:

(1) A person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons; and

(2) A member of an ambulance or rescue service unit while involved in patient care.

(c) For purposes of this section, motor vehicle shall mean a vehicle required by *Neb. Rev. Stat.* § 39-6,171 to be equipped with an occupant protection system.

(d) Any person who violates subsection (a) of this section shall be fined twenty-five dollars, but no court costs shall be assessed against him or her. Regardless of the number of persons in a motor vehicle not wearing an occupant protection system pursuant to subsection (a)(1) of this section, only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and a violation of such subsection is found.

(e) Enforcement of this section shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense. (Ord. 16293 §3; January 25, 1993).

10.14.370 Riding on Outside of Vehicle.

It shall be unlawful for any person to ride, or for the operator of any motor vehicle to permit any person to ride, in or on any portion of a motor vehicle not constructed or designed to carry passengers, including, but not limited to, the running board, hood, top, trunk, fenders, doors, top of the seat-back, or truck bed. (Ord. 16419 §1; July 19, 1993; Ord. 15634 §37; July 9, 1990; P.C. §10.32.280; Ord. 5699 §727, as amended by Ord. 7312; October 10, 1960).

10.14.380 Overloading Front Seat.

It shall be unlawful for any person to operate a motor vehicle upon any street or public way when it is so loaded as to obstruct the view of the driver or interfere with the driver's control over the driving mechanism of such vehicle, or while more than two persons, in addition to the driver, occupy the front seat compartment. (Ord. 15634 §38; July 9, 1990; P.C. §10.32.290; Ord. 5699 §728; April 12, 1954).

10.14.390 Truck Routes.

(a) It shall be unlawful for any person to operate a truck or truck/ trailer combination which exceeds six tons licensed gross vehicle weight upon any portion of a street abutting property located within those districts zoned R-1 Residential, R-2 Residential, R-3 Residential, R-4 Residential, R-5 Residential, R-6 Residential, R-7 Residential, R-8 Residential, or R-C Residential Conservation under Title 27 of this code; provided, however, this prohibition shall not apply to the operation of such trucks or truck/trailer combinations (1) on arterial streets; or (2) on non-arterial streets which provide the shortest travel distance from the closest arterial street to a local destination or to the closest arterial street from a local point of origin.

(b) It shall be unlawful for any person to operate a truck or truck/ trailer combination which exceeds twenty-six tons licensed gross vehicle weight upon any portion of a street which is not a part of the state highway system or which has not been designated as a truck route pursuant to subsection (c) of this section. This prohibition shall not apply to the operation of such trucks or truck/trailer combinations:

(1) On arterial streets which provide the shortest travel distance to a local destination, or which provide the shortest travel distance from a local point of origin to another local destination, to a state highway, or to a designated truck route; or

(2) On non-arterial streets which provide the shortest travel distance from the closest arterial street to a local destination or to the closest arterial street from a local point of origin.

(c) The Director of Public Works and Utilities shall designate those streets in the city which shall serve as truck routes upon which trucks or truck/trailer combinations which exceed twenty-six tons licensed gross vehicle weight may travel. Further, the Director of Public Works and Utilities may, based upon a safety or engineering study supporting the same, specifically prohibit the operation of any such trucks or truck/trailer combinations upon any street, including streets which provide the shortest travel distance to a local destination or from a local point of origin, except to the extent that such street provides direct ingress to a local destination or direct egress from a local point of origin.

The Director of Public Works and Utilities shall cause signs to be erected indicating the streets so designated as truck routes and the streets upon which trucks are specifically prohibited.

(d) Whenever the Director of Public Works and Utilities determines on the basis of appropriate study that the maximum weight limit permitted is greater or less than is reasonable and safe under the conditions found to exist upon any street, roadway, bridge, or structure within the city limits, the Director of Public Works and Utilities may declare a maximum weight limit which shall be effective when appropriate signs giving notice thereof are erected upon such roadway, bridge, or structure. It shall be unlawful for any person to operate a motor vehicle which exceeds the declared maximum weight limit upon such street, roadway, bridge, or structure.

(e) For purposes of this section:

(1) Local destination shall mean a destination within the city limits to which a truck or truck/trailer combination is immediately proceeding for the purpose of delivery or collection of persons, goods, wares, merchandise, or materials, or in relation to construction, repair service, or moving operations thereon or thereat. Local destination shall also include legally established truck maintenance and terminal facilities; and

(2) Local point of origin shall mean a location within the city limits from which a truck or truck/trailer combination is lawfully initiating a trip.

(f) Any person operating a truck or truck/trailer combination in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine in the sum of not less than \$100.00 for the first offense, not less than \$250.00 for a second offense, and not less than \$500.00 for a third offense and each offense thereafter. (Ord. 16951 §63; March 11, 1996: prior Ord. 16801 §1; June 12, 1995: Ord. 15634 §39; July 9, 1990: P.C. §10.32.310: Ord. 8282 §43; December 16, 1963: Ord. 5699 §730; April 12, 1954).

10.14.400 Red Flags on Open End Gates and Rear Doors.

It shall be unlawful for any person to drive a vehicle upon the streets or alleys of the city with the end gate or rear door of said vehicle open, extended or not in place, unless a red flag be securely fastened in a conspicuous position at the extreme end of such end gate or door, and in no event shall such end gate or door be permitted to swing free. (Ord. 15634 §40; July 9, 1990: P.C. §10.32.320: Ord. 5699 §731; April 12, 1954).

10.14.410 Stop for Railroad Crossing.

(a) It shall be unlawful for the driver of any vehicle approaching a railroad grade crossing under any of the circumstances set forth in this section to fail to stop such vehicle within fifty feet but no less than fifteen feet from the nearest rail of such railroad not proceeding until such movement can be completed with safety. The requirements of this subsection shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or a person gives or continues to give a visible signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately one-quarter mile of the highway crossing emits a signal audible from such distance and such railroad train, by reasons of its speed or nearness to such crossing, is an immediate hazard; or

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive or operate any vehicle through, around, or under any crossing gate, cross-arm, or barrier at a railroad crossing while such cross-arm or gate or barrier is closed or is being opened or closed.

(c) When a railroad crossing is protected by a stop sign, the driver of any vehicle shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care. (Ord. 15634 §41; July 9, 1990: P.C. §10.32.335: Ord. 11332 §1; April 7, 1975: Ord. 10944 §1; November 13, 1973).

10.14.420 Stop for School Bus; Penalty.

It shall be unlawful for the driver of any vehicle upon meeting or overtaking, from the front or rear, any school bus on which the stop warning signal lights are flashing to fail to reduce the speed of such vehicle to not more than twenty-five miles per hour, or to fail to bring such vehicle to a complete stop when the school bus stop signal arm is extended and shall remain stopped until the stop arm is retracted and the school bus resumes motion or until signaled by the bus driver to proceed. This section shall not apply to approaching traffic traveling in the opposite direction on a street divided by a median strip.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$500.00, recoverable with costs. (Ord. 15634 §42; July 9, 1990: P.C. §10.32.340: Ord. 12519 §4; March 12, 1979: Ord. 7498 §§1 and 2; June 26, 1961).

10.14.430 Distinctive Roadway Markings.

(a) Traffic lane lines shall be designated by a broken white line not less than three inches, nor more than six inches wide. The term "broken line" used herein shall mean a line in which the breaks or unpainted portions thereof do not exceed twenty-six feet in length and the solid or painted portions thereof between the breaks are not less than eight feet in length.

(b) When double parallel yellow lines are in place, no person driving a vehicle shall drive to the left thereof. A double parallel solid yellow line consists of two parallel solid yellow lines, not less than three inches nor greater than six inches in width, separated by not less than three inches nor greater than twelve inches in width of corresponding pavement.

(c) When a solid yellow line is parallel with a broken white line, the driver on that side of the roadway in which the broken white line is in place may cross over the double line or drive to the left thereof when overtaking or passing other vehicles. The lines shall not be less than three inches nor greater than six inches in width of corresponding pavement.

(d) Notwithstanding the above provisions, persons driving a vehicle may make a left turn into or out of a driveway, alley, or private road at such person's own risk, if:

(1) Such person's vehicle does not interfere with the movement of vehicles behind him traveling in the same direction or with the movement of vehicles from the opposite direction;

(2) Such person gives a signal of intention to turn left continuously during not less than the last 100 feet traveled by the vehicle before turning; and

(3) Such person yields the right-of-way to all vehicles approaching on such street being crossed and to all pedestrians crossing a driveway, alley, or private road upon the public sidewalk or in line therewith.

(e) Notwithstanding the above provisions, a person driving a vehicle may, at such person's own risk, drive such vehicle from a driveway, alley, or private road directly across a street to a driveway, alley, or private road opposite such driveway, alley, or private road; provided, such person shall at all times yield the right-of-way to all vehicles approaching on such street being crossed and to all pedestrians crossing such driveways, alleys, or private roads upon the public sidewalk or in line therewith. (Ord. 15634 §43; July 9, 1990: P.C. §10.32.350; Ord. 8941 §2; February 28, 1966; Ord. 8282 §44; December 16, 1963).

10.14.440 Certificate of Payment Required.

It shall be unlawful for any person to operate any motor vehicle upon any street or public way within the city unless the tax assessed by Section 3.20.180 of the Lincoln Municipal Code has been paid for that vehicle or the vehicle is exempt from the provisions of Chapter 3.20 of the Lincoln Municipal Code.

Every person who violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$100.00. (Ord. 15634 §44; July 9, 1990: P.C. §10.32.370; Ord. 13263 §1; November 16, 1981).

10.14.450 Obstructing View of Driver.

It shall be unlawful for any person to operate a motor vehicle with any object placed or hung in or upon such vehicle, except required or permitted equipment of the vehicle, in such a manner as to obstruct or interfere with the view of the operator through the windshield, or to prevent the operator from having a clear and full view of the road and condition of traffic behind such vehicle, or to have any poster, sign, picture or advertising material on the windshield or glass of the side or rear window of such vehicle; provided, any sticker or identification authorized or required by the federal government or any agency thereof, or the State of Nebraska or any political subdivision thereof, may be placed upon the windshield without violating the provisions of this section. (Ord. 15634 §45; July 9, 1990: P.C. §10.56.020; Ord. 5699 §1302, as amended by Ord. 6907; April 27, 1959).

10.14.460 Unnecessary Noise From Motor Vehicle.

It shall be unlawful for any person in the operation of a motor vehicle to make any loud or unusual noise unnecessary in the normal and lawful operation of a motor vehicle. (Ord. 15634 §46; July 9, 1990: P.C. §10.32.360; Ord. 8758 §1; June 28, 1965).